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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE

March 26, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room 222
1919 M Street NW
Washington, D.C. 20554

Re: CC Docket No. 95-155; Toll Free Service Access Codes

Dear Ms. Salas:

Recently, ResponseTrak Call Centers, a division of New England 800 Company, met with several individuals at the FCC (March 2, 1998 letter from Robert Keller to Magalie Roman Salas). ResponseTrak wants the FCC to defer the opening of the 877 SAC. This request is made with disregard to the years of planning and effort by the industry to increase the amount of toll free numbers available to consumers. Further, the supply of toll free numbers is low. As of March 23, there were only about 1.1 million numbers left available (referred to as "spare" by the industry). If the industry used its weekly allocation of 120,000, these numbers would be gone in about nine weeks.

The ResponseTrak proposal is based on a plan to segregate certain uses of toll free numbers in different SACs. It is similar to the "partitioning" proposals raised earlier in this proceeding. This concept has been considered and rejected by the FCC in the Second Report and Order (par. 69) in this proceeding. The FCC found:

As some commenters note, there would be some advantage to partitioning. For example, a "SAC by service" approach could eliminate some caller confusion because SACs would be associated with particular types of services [footnote omitted]. The approach also could lessen incentives for number brokering [footnote omitted], and could minimize the right of first refusal issue [footnote omitted]. While these arguments have some merit, we conclude that partitioning would not serve the public interest for several reasons. First, we find that partitioning would be unreasonably discriminatory because 800 numbers would, at least initially, enjoy greater recognition than would numbers in new toll free SACs. We disagree, therefore, with the 800 Users Coalition assertion that partitioning would not unduly benefit any particular market segment. "Non-conforming" entities (e.g., non-business applications such as paging and fax services) permitted to grandfather their numbers in 800 would have an advantage over competitors that would have to use a new SAC. Second, partitioning would require multiple 8XX codes to be opened immediately, which is not possible because the necessary software is still being developed. Third, it would be inefficient and costly to assign SACs by service when it is unclear that there would be sufficient service demand to consumer most, if not all, of the numbers in a particular code. It is also unclear who would pay for development of multiple SACs if there were little demand for numbers within a particular code and, therefore, insufficient revenue to justify opening code. Fourth, some codes currently

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reserved for toll free service may be used for another purpose if the relative demands for INPAs change, which could not occur if toll free service was partitioned by SAC.

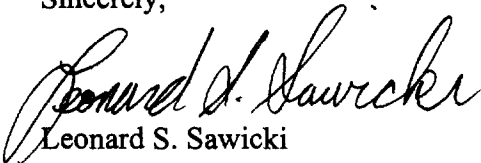
ResponseTrak's (New England 800 Company) proposal would be very disruptive. Only "enterprise uses" would be allowed to maintain and order 800 and 888 numbers. All other uses (called "communicator" numbers) would have to move to 877, 866 and other toll-free codes. This variation of partitioning, then, does not allow grandfathering. Millions of users would have to change their numbers if ResponseTrak's plan was adopted. One criterion proposed by ResponseTrak to be classified as an "enterprise" number is that the number "must be published in all applicable public directory listings, and made available for use by the general public, throughout the entire provisioned access area". The most widely used toll free service directory is AT&T's (and its toll free-access directory assistance product, 1-800-555-1212). Of the more than 13,500,000 working numbers, only about 150,000 are listed in the AT&T directory. (See AT&T's web page at <http://www.tollfree.att.net>). Many businesses choose not to list their 800 and 888 numbers for a variety of reasons. If the ResponseTrak proposal was taken at face value, over 98 percent of toll free numbers would have to be moved. That would mean that 877 and 866 would have to be opened to accept these numbers and 855 opened to accept the growth. This is impossible today and would violate the FCC's earlier findings on needlessly opening new codes.

ResponseTrak singles out personal 800 and paging as uses that have somehow diluted the purity of "enterprise" numbers. While there has been great growth in the use of personal 800 numbers and paging numbers, personal 800 numbers are used efficiently, as most have four digit PIN numbers, allowing many users to share the same number. Paging accounts for many numbers in use and may be the largest single application. While we do not have a census of the paging uses of toll-free numbers, MCI believes that paging probably accounts for no more than 15-25 percent of the toll free numbers in use.

ResponseTrak recites a litany of complaints with the way that 888 numbers have been handled, including the replication of significant ("vanity") numbers. MCI shares some of these concerns and many parties have addressed these and other questions in this proceeding. However, there is no need for the FCC to delay the opening of the 877 SAC. Customers are counting on getting numbers. Systems are ready to go. It is possible that delay could result in a shortage of toll-free numbers, adversely affecting the businesses that ResponseTrak claims that it is trying to protect.

Please add this letter and the enclosed copy to the record of this proceeding.

Sincerely,



Leonard S. Sawicki

cc: Mr. Metzger
Ms. Gomez
Mr. Power
Mr. Casserly
Mr. Martin
Mr. Dixon
Mr. Gallant